

OCT 05 2005

PTO/SB/30 (09-04)

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**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/400,348
Filing Date	09/20/1999
First Named Inventor	TOYAMA et al.
Art Unit	2623
Examiner Name	BRIAN Q. LE
Attorney Docket Number	MCS-058-99

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

- ii. ☒ Other Amendment Under 37 C.F.R. 1.116 filed on August 31, 2005

- b. ☐ Enclosed

- i. ☐ Amendment/Reply

- iii. ☐ Information Disclosure Statement (IDS)

- ii. ☐ Affidavit(s) Declaration(s)

- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

- a. ☐ Deposit Account No. _____. I have enclosed a duplicate copy of this sheet.

- i. ☐ RCE fee required under 37 CFR 1.17(e)

- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

- iii. ☐ Other _____

- b. ☐ Check in the amount of \$ _____ enclosed

- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature		Date	October 5, 2005
Name (Print/Type)	Craig S. Fischer	Registration No.	42,535

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

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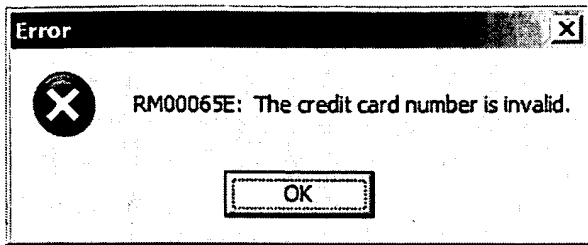
This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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OCT 05 2005

THE LAW OFFICES OF
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INTELLECTUAL PROPERTY LAW INCLUDING PATENTS,
TRADEMARKS, COPYRIGHTS AND RELATED MATTERS

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Facsimile Cover Sheet

To: Hon. Commissioner for Patents, TC2600
ATTN: Examiner BRIAN Q. LE

From: Craig S. Fischer

Fax: (571) 273-8300

Pages: 4 (Inclusive)

Re: Serial No.: 09/400,346
Filed: September 20, 1999
Attorney Docket No: MCS-058-99

Date: October 5, 2005

☐ Urgent ☒ For Review ☐ Please Comment ☒ Please Reply

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

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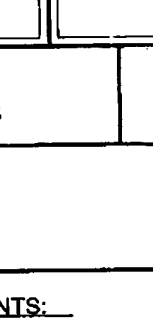
This correspondence includes the following attached papers:

1. Facsimile Cover Sheet including Certificate of Transmission under 37 C.F.R. § 1.8 (1 page);
2. Request for Continued Examination (RCE) Transmittal Letter (1 page);
3. Credit Card Payment Form (1 page for RCE filing fee);
4. Amendment Transmittal Letter (1 page).

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OCT 05 2005

TRANSMITTAL LETTER (Large Entity)			Docket No. MCS-058-99		
Applicant(s): TOYAMA et al.					
Serial No. 09/400,346	Filing Date 09/20/1999	Examiner BRIAN Q. LE	Group Art Unit 2623		
Invention: SYSTEM AND METHOD FOR BACKGROUND MAINTENANCE OF AN IMAGE SEQUENCE					
<u>TO THE HON. COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	26 -	26 =	0 x	\$ 50.00	\$ 0.00
INDEP. CLAIMS	6 -	6 =	0 x	\$ 200.00	\$ 0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$ 0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$ 0.00
<input type="checkbox"/> No additional fee is required. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ A duplicate copy of this sheet is enclosed. <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> A Credit Card Payment Form (PTO-2038) for payment for the RCE filing fee in the amount of \$ 790.00 is attached.					
 Signature Craig S. Fischer Registration No. 42,535 LYON & HARR, L.L.P. 300 East Esplanade Drive Suite 800 Oxnard, CA 93036-1274 TEL: (805) 278-8855 FAX: (805) 278-8064			Dated: October 5, 2005 CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8 I hereby certify that this paper and every paper referred to therein as being enclosed is being facsimile transmitted to Mail Stop: RCE, Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, TC2600 at (571) 273-8300. Date of Transmission: <u>October 5, 2005</u> By: Craig S. Fischer Signature: 